

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

JANEVE CO., INC., ADJILE, INC., )  
STANLEY WOJCIECHOWSKI, )  
HERSHEY WOJCIECHOWSKI, )  
READWAY, INC., TRUSTEE, )  
STANLEY C. LOWICKI, )  
WALTER LOWICKI, TRUSTEE OF )  
WALTER LOWICKI REVOCABLE )  
TRUST, )

Appellants,

v.

C.A. No. 08A-04-011 WCC

CITY OF WILMINGTON, a )  
municipal corporation under the )  
laws of the State of Delaware, )  
DEPARTMENT OF LICENSES )  
AND INSPECTION; )  
JEFFREY J. STARKEY, )  
Commissioner )  
BOARD OF LICENSE AND )  
INSPECTION REVIEW, )  
DONALD L. GOUGE, JR., )  
Chairman, )

Appellees.

Submitted: July 10, 2009

Decided: July 24, 2009

**ORDER**

**On Appellant's Motion for Reargument - DENIED**

Stanley C. Lowicki, Esquire, 830 West Street, Wilmington, Delaware. Attorney for Appellants.

Brenda James-Roberts, Esquire, Senior First Assistant City Solicitor. Louis L. Redding City/County Building, 800 North French Street, 9<sup>th</sup> Floor, Wilmington, Delaware. Attorney for Appellees.

**CARPENTER, J.**

On this 24<sup>th</sup> day of July, 2009, upon consideration of Janeve Co.’s Motion for Reargument, it appears to the Court that:

1. Janeve Co., et al. (the “Appellants”), have filed a Motion for Reargument with respect to this Court’s opinion of May 7, 2009. For the reasons set forth below, the Defendant’s Motion for Reargument is **DENIED**.

2. A motion for reargument shall be granted where the Court has “overlooked a controlling precedent or legal principles, or the Court has misapprehended the law or facts such as would have changed the outcome of the underlying decision.”<sup>1</sup> The Court will not consider arguments already raised and decided as it is not the purpose of a motion for reargument to “rehash” old arguments, or issues that could have been raised initially.<sup>2</sup> To succeed on such a motion, the moving party must demonstrate the existence of “newly discovered evidence, a change in the law or manifest injustice.”<sup>3</sup>

3. The Court finds that it has not misapprehended the law in such a manner that would have changed the Court’s original opinion. Further, the Appellant has not met its burden of demonstrating manifest injustice or a change in the law. The

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<sup>1</sup>*Reid v. Hindt*, 2008 WL 2943373, at \*1 (Del. Super. July 31, 2008) (internal quotations omitted) (quoting *Lamourine v. Mazda Motor of Am., Inc.*, 2007 WL 3379048, at \*2 (Del. Super. Sept. 24, 2007)).

<sup>2</sup>*Id.* (citing *State v. Brooks*, 2008 WL 435085, at \*2 (Del. Super. Feb. 12, 2008)).

<sup>3</sup>*Id.* (*Brooks*, 2008 WL 435085, at \*2) (internal quotations omitted).

arguments made in the present motion are simply a restatement of the Appellant's previous contentions that have been rejected by the Court over the past five years.

4. For the reasons set forth above, the Defendant's Motion for Reargument is hereby DENIED.

IT IS SO ORDERED.

/s/ William C. Carpenter, Jr.  
Judge William C. Carpenter, Jr.